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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,321	09/18/2006	Jun Yoshida	00862.109566.	7539

5514 7590 09/30/2009

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
ZEWDU, MELESS NMN	
ART UNIT	PAPER NUMBER
2617	
MAIL DATE	DELIVERY MODE
09/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/593,321	YOSHIDA, JUN	
	Examiner	Art Unit	
	Meless N. Zewdu	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/1/08; 7/10/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is the first on the merit of the instant application.

2. Claims 1-9 are pending in this action.

Claim Objections

Claim 1 is objected to because of the following informalities: on line 3, change "capable of" into ---- configured to ---. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: what or which device communicates "with a wireless communication apparatus directly"? It is not clear to examiner. Appropriate correction is required.

Claim 1 objected to because of the following informalities: the use of the conditional phrase "if" on line 11 without providing an alternative leaves the claim inoperable when the "if" condition fails. Appropriate correction is required.

Claim 2 is objected to because of the following informalities: on line 1, change "capable of" into --- configured to. Appropriate correction is required.

Claim 2 is objected to because of the following informalities: on line 10, change "said other" into --- said another ---. Appropriate correction is required.

Claim 2 is objected to because of the following informalities: on line 17, change "receiving data" into --- receiving the data ---. Appropriate correction is required.

Claim 2 is objected to because of the following informalities: on line 20, change "said other" into --- said another ---. Appropriate correction is required.

Claim 3 is objected to because of the following informalities: on line 3, change "upon data" into --- upon the data ---. Appropriate correction is required.

Claim 4 is objected to because of the following informalities: on line 2, change "said other" into --- said another ---. Appropriate correction is required.

Claim 5 is objected to because of the following informalities: change "other" into --- another ---. Appropriate correction is required.

Claim 6 is objected to because of the following informalities: change "said other" into --- said another ---. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: on line 1, change "capable of" into --- configured to ---. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: on line 8, change/improve "executing processing" for it indicates redundancy. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: change "other", used on several lines, into --- another ---. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: the use of the conditional phrase "if" on line 11 without providing an alternative leaves the claim inoperable when the "if" condition fails. Appropriate correction is required

Claim 8 is objected to because of the following informalities: on line 5, change "image" into --- an image ---. Appropriate correction is required.

Claim 8 is objected to because of the following informalities: on line 7, change "picture" into --- the picture ---. Appropriate correction is required.

Claim 9 is objected to because of the following informalities: on line 16, change "a direct" into --- the direct ---. Appropriate correction is required.

Claim 9 is objected to because of the following informalities: on line 16, change "a wireless" into --- the wireless ---. Appropriate correction is required.

Claim 9 is objected to because of the following informalities: on line 19, change "and data" into --- and the data ---. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification, while being enabling for displaying printer/s (see paragraph 0070), does not reasonably provide enablement for "displaying another wireless communication apparatus". Furthermore, the specification is not enabled for a user

making selection of a wireless communication apparatus based on said display means.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (Lin) (US 2004/0125778 A1) in view of Schroderus et al. (Schroderus) (US 6,477,384 B2).

As per claim 1: Lin discloses a discloses a communication control method (see fig. 3) for controlling communication between wireless communication apparatuses that are capable of communicating wirelessly in a first communication mode in which communication is performed via a base station and a second communication mode in which communication is performed with a wireless communication apparatus directly (see abstract; paragraphs 0009), said method comprising:

a connecting step of connecting a first wireless communication apparatus to a second wireless communication apparatus if, during communication by the first wireless communication apparatus in the first communication mode (see paragraphs 1100, 0031);

a determining step of determining, by the second wireless communication apparatus, whether the first wireless communication apparatus possesses a desired function (see paragraph 0028). Authentication can be considered as a desired function.

a determining step of determining, by the second wireless communication apparatus, whether the first wireless communication apparatus possesses a desired function; and

a data transmitting step of transmitting data from the second wireless communication apparatus to the first wireless communication apparatus in the second communication mode based upon result of the determination performed at said determining step (see paragraph 0010). Note: the labeling “a first wireless communication apparatus” and “a second wireless communication apparatus” is an arbitrary and any one of the prior art stations can be labeled as a first and a second.

But Lin does not explicitly teach about --- the first wireless communication apparatus receives a search signal from the second wireless communication apparatus giving notification of the existence of the second wireless communication apparatus, as claimed. However, in the same field of endeavor, Schroderus teaches about a method of checking the presence of mobile stations communicating on a direct mode channel (see title) wherein the method includes the step of sending a presence inquiry (search) message provided with an identity from a first mobile station to a second mobile station on the direct mode channel (see abstract). Therefore, it would have been obvious for one of ordinary skill in the art at the time

the invention was made to modify the teaching of Lin with that of Schroderus for the advantage of checking/determining whether unauthorized or undesired mobile stations are listening to the transmission of the first mobile station on the direct mode channel (see col. 2, lines 18-25).

As per claim 2: the features of claim 2 are similar to the features of claim 1, except claim 2 is directed to an apparatus intended/required to perform the steps of claim 1, and wherein the wireless communication apparatus and the other wireless communication apparatus of claim 2, respectively correspond to the first and second wireless communication apparatuses of claim 1. Furthermore, the "receiving means" of claim 2 is required by the connecting step of claim 1. Hence, since the steps of claim are obviated and the apparatus of claim 2 is required by the method of claim 1, claim 2 is rejected on the same ground and motivation as claim 1.

As per claim 4: Lin teaches about an apparatus, wherein said connecting means makes a connection to said other wireless communication apparatus in the second communication mode (see abstract; paragraphs 0009-0011). Lin's ad-hoc mode can be considered or is a second mode as oppose to the first or infrastructure mode.

As per claim 5: Lin teaches about an apparatus, wherein said connecting means suspends (switches/dissociate) communication in the first communication mode and makes a connection to said other wireless communication apparatus in the second communication mode (see abstract; paragraph 00011).

As per claim 6: Lin teaches about an apparatus, wherein said connecting means makes a connection to said other wireless communication apparatus based upon a

network identifier contained in the signal received by said receiving means (see paragraphs 0029-0031).

As per claim 7: the features of claim 7 are similar to the features of claim 1, except the following limitations which are also taught Lin's reference, as shown below:

--- transmitting means for transmitting a signal, which includes (i) information indicating whether a communication mode is in a first mode in which a communication is performed through a base station or a second mode in which a communication is performed with a wireless communication terminal directly (see paragraphs 0031, 0011) and (ii) an identifier for identifying a network/service gives notification of existence of this apparatus, to another wireless communication apparatus (see paragraphs 0029, 0031). Note: according to the prior art of record, the base station (infrastructure) mode is switched to an ad-hoc mode. This shows that the system knows (has determined) the current mode is the base station (infrastructure) mode and the next mode (the mode to switched to) is the ad-hoc mode. Thus, the indication of a communication mode is an obvious feature of within the prior art of record. Therefore, claim 7 is rejected on the same ground and motivation as claim 1.

As per claim 9: Lin teaches about an apparatus, further comprising display (see fig.2) means for displaying another wireless communication apparatus (see information relating neighboring stations), which has been determined to possess a desired function, in accordance with the determination made by said determination means (see paragraphs 0005, 0024, 0033; claim 2);

wherein a direct connection is made to a wireless communication apparatus, based on upon the display presented by said display means, and data is transmitted by said data transmitting means (see paragraphs 0031, 0035). The question as whether a selection is made by a user or a device carries no patentable weight. Alternatively, user selection is less appealing and enhanced than a selection made by a system/controller.

Claims 3 and 8 re rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to the claims above and, further in view of Yamaguchi (US 7,327,385 B2).

As per claim 3: but, the above references do not teach about an apparatus, further comprising printing means for printing an image based upon data that has been received by said data receiving means, as recited. However, in the same field of endeavor, Yamaguchi teaches about a technique wherein a user captures and displays an image, with his/her/cell phone and transmits the captured and displayed image to a printer (see fig. 3, col. 5, lines 47-63). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Yamaguchi for the advantage of providing an enhanced system of image display for cellular phones and other such wireless devices having digital camera capabilities, while ensuring adequate bandwidth and resolution for the advanced imaging capabilities anticipated, yet with minimized power consumption (see col. 1, lines 32-37).

As per claim 8: Yamaguchi teaches about an apparatus, further comprising picture taking means for taking a picture optically as image data (see fig. 3; col. 5, lines 47-63);

wherein said data transmitting means transmits the image data obtained by picture taking by said picture taking means (see (see fig. 3; col. 5, lines 47-63). Motivation is as provided in claim 3 above.

As per claim 9: Lin teaches about an apparatus, further comprising display (see fig.2) means for displaying another wireless communication apparatus (see information relating neighboring stations), which has been determined to possess a desired function, in accordance with the determination made by said determination means (see paragraphs 0005, 0024, 0033; claim 2);

wherein a direct connection is made to a wireless communication apparatus, based on upon the display presented by said display means, and data is transmitted by said data transmitting means (see paragraphs 0031, 0035). The question as whether a selection is made by a user or a device carries no patentable weight. Alternatively, user selection is less appealing and enhanced than a selection made by a system/controller.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chang Kent can be reached on (571) 272-7667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

/Meless N Zewdu/
Primary Examiner, Art Unit 2617
9/29/2009